

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MONICA R. HAWKINS,

Plaintiff,

v.

RADIO ONE,

Defendant.

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Civil Action No. **3:12-CV-1472-L-BK**

ORDER

Before the court are the Findings, Conclusions, and Recommendation of the United States Magistrate Judge (“Report”), filed June 22, 2012. Plaintiff filed a document in response on July 2, 2012, which the court construes as objections to the Report.

This is a *pro se* civil action. On May 11, 2012, Plaintiff filed a motion to proceed in *forma pauperis*. On May 14, 2012, the magistrate judge issued a Notice of Deficiency and Order explaining that the motion was insufficient to determine whether Plaintiff is entitled to proceed in *forma pauperis* and requiring Plaintiff to cure the deficiency on or before June 12, 2012. That same day, the magistrate judge also issued Plaintiff a questionnaire seeking additional information about her claims. The deadline for Plaintiff’s response to the questionnaire was June 12, 2012. Plaintiff failed to respond to the court’s order and now files objections reiterating the basis of her claim.

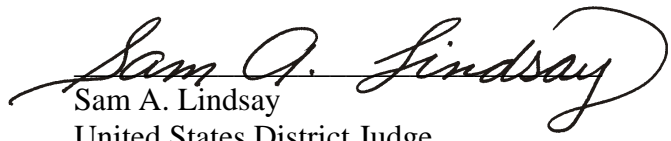
The magistrate judge recommends dismissing this action without prejudice for want of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Plaintiff has been given ample opportunity to respond to the court’s deficiency order and questionnaire, and she has not done so. Rather than dismiss this action for want of prosecution, the court believes that the

better approach is to dismiss it without prejudice for failure to comply with the court's orders pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

Having reviewed the pleadings, file, and record in this case, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions are correct. They are therefore **accepted** as those of the court to the extent herein enunciated. Accordingly, Plaintiff's objections are **overruled**, and the court **denies** Plaintiff's pending motions for leave to proceed *in forma pauperis* and to appoint counsel. Therefore, the court **dismisses** this action **without prejudice** for failure to follow orders of the court pursuant to Federal Rule of Civil Procedure 41(b).

The court **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3). Based on the Report, the court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983).

It is so ordered this 11th day of July, 2012.


Sam A. Lindsay
United States District Judge